IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 8359 of 2006(T)

PETITIONER:

ALAVIKUTTY @ BABU, S/O.AHMED KUTTY,
THURAKKAL, KONDOTTY, MALAPPURAM DISTRICT.

BY ADV. SRI.K.SHIBILI NAHA

RESPONDENTS:
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1. **THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE SECRETARY, DISTRICT PANCHAYATH, MALAPPURAM.**

3. **THE EXECUTIVE ENGINEER(LSGD), MALAPPURAM.**

4. **THE ASSISTANT EXECUTIVE ENGINEER(LSGD), MALAPPURAM.**

BY ADV. SRI.K.M.SATHYANATHA MENON for R2
BY GOVERNMENT PLEADER SSMT. K.R. DEEPA for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIXD

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE COMPLETION CERTIFICATE (VAIDHYARANGADI DANAGRAM ELLATHURAI IN CHERUGAVOOR AND VAZHAYUR PANCHAYAT).**
EXT.P1(A):	**COPY OF THE COMPLETION CERTIFICATE (PERIODICAL REPAIRS 2001-02).**
EXT.P2:	**COPY OF THE LETTER NO.B2-1741/03 DTD. 15/01/04 SENT BY THE 2ND RESPONDENT TO THE PETITIONER.**
EXT.P3:	**COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DTD. 13/04/04.**
EXT.P4:	**COPY OF THE CIRCULAR ISSUED BY THE CHIEF ENGINEER (ADMINISTRATION) THIRUVANANTHAPURAM DTD. 9/02/94.**
EXT.P5:	**COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 2ND RESPONDENT DTD. 28/04/04.**
EXT.P6:	**COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 2ND RESPONDENT ON 22/11/04.**
EXT.P7:	**COPY OF THE REPLY SENT BY THE 2ND RESPONDENT DTD. 15/01/05.**
EXT.P8:	**COPY OF THE REPLY SENT BY 2ND RESPONDENT DTD. 17/05/05.**
EXT.P9:	**COPY OF THE LETTER SENT BY THE PETITIONER TO THE 2ND RESPONDENT DTD. 22/05/05.**
EXT.P10:	**COPY OF THE LETTER SENT BY THE PETITIONER TO THE 2ND RESPONDENT DTD. 9/07/05.**
EXT.P11:	**COPY OF THE LAWYER NOTICE SENT BY REGISTERED POST WITH ACKNOWLEDGEMENT DUE BY THE PETITIONER DTD. 26/10/05.**

/TRUE COPY/

Kss

KURIAN JOSEPH J.

W.P(C)No.8359 of 2006

Dated this the 14th day of February, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

a) Issue a writ of certiorari calling for the records leading to Ext.P8 and the original of letter dated 16-10-04 of the 1st respondent (reference No.3 in Ext.P8) and quash the same.

b) Issue any other appropriate writ order or direction to the 2nd respondent to consider Ext.P5 and Ext.P9 representations submitted by the petitioner as expeditiously as possible.

c) Declare that the petitioner is not responsible for the delay in execution of the work and also declare that Ext.P4 guidelines were complied by the petitioner.

There is also a prayer for disbursal of the balance amount. The stand taken by the respondents is that the petitioner did not comply with the agreement. There being a dispute on the facts it is for the petitioner to work out the relief before the civil court. In the event of the petitioner approaching the civil court the time taken for prosecuting this writ petition shall stand excluded while computing the period of limitation.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.